

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:09-CR-211
	:	
v.	:	(Chief Judge Conner)
	:	
ROBERT L. NELSON	:	

ORDER

AND NOW, this 20th day of August, 2015, upon consideration of the *pro se* filing (Doc. 318) by Robert L. Nelson (“Nelson”), styled as a “claim for disclosure or declaratory judgment,” wherein Nelson requests that the court order production of several documents which Nelson believes to have been “unlawfully withheld” by the government, (see id.), and it appearing that Nelson seeks relief for purported violations of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the court observing that Nelson’s *pro se* request is more appropriately filed as a separate civil action rather than part and parcel of this criminal case, see 5 U.S.C. § 552(a)(4)(B) (permitting individuals to seek relief by filing a complaint in the district court in the district in which the complainant resides or has a principal place of business, or in which the records sought are situated); United States v. Beam, No. 10-CR-47, 2015 WL 2356755, at *4 (M.D. Pa. May 15, 2015) (denying defendant’s subpoena request made in connection with motion for a new trial and identifying FOIA civil action as “more appropriate vehicle for pursuing agency records withheld under FOIA”), it is

hereby ORDERED that the request (Doc. 318) is DENIED without prejudice to Nelson's right to commence a separate civil action under FOIA.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania